OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

M.D.L.,)	No. ED97992
)	
	Respondent,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	
)	Honorable John N. Borbonus III
S.C.E.,)	
)	
	Appellant.)	FILED: February 13, 2013

The appellant, S.C.E. ("Appellant"), appeals from the trial court's judgment granting a full order of protection to M.D.L. ("Respondent"), pursuant to Section 455.040, RSMo. Cum. Supp. (2012). Appellant asserts two points on appeal. First, Appellant argues that the trial court erred in granting the full order of protection because there was no substantial evidence to support a finding of stalking. Second, Appellant contends that the trial court erred in granting the full order of protection because there was no substantial evidence to support a finding that Respondent suffered the requisite emotional distress to support a finding of abuse by harassment.

AFFIRMED.

<u>Division Four holds</u>: The trial court erred in granting the full order of protection on the grounds of stalking when Respondent failed to prove that Appellant's conduct subjectively caused her to fear physical harm. However, we affirm the trial court's judgment granting the full order of protection on the basis of abuse. The trial court found that Respondent proved the allegation of abuse, which can be supported by substantial evidence proving assault. Because sufficient evidence exists in the record to support a finding of abuse by assault, the judgment of the trial court is affirmed.

Opinion by: Kurt S. Odenwald, J., Lawrence E. Mooney, P.J., and Patricia L. Cohen, J., Concur.

Attorney for Appellants: S.C.E., Appellant Acting Pro Se

Attorney for Respondent: M.D.L., Respondent Acting Pro Se

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.